

REMARKS

This Amendment, filed in reply to the Office Action dated October 11, 2007, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested.

Claims 1-29, 31-34 are all the claims pending in the application. No new matter is added.

Rejection under 35 U.S.C. § 112

Claims 10-12, 14, 24, 25, 29, and 31-34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding claims 10 and 24, the Examiner indicates the phrase “and then to simulate the sending of primary data representing said state information” renders the claims indefinite. The Examiner states “it unclear how the data processing device can simulate ‘sending primary data representing said state information.’ As claim 1 recites, ‘A data processing device comprising processing means for receiving, from equipment in a communications network, primary data,’ lines 1-2. The simulation appears to run contrary to what was previously claimed (receiving versus sending).”

Applicant respectfully disagrees the Examiner’s position. The claims recite “said interpreter is arranged to extract from said equipment chosen information able to allow determination of said alarm state, and then to simulate the sending of primary data representing said state information, so as to generate an alarm intended to indicate to the management device

the alarm state of said equipment.” Applicant respectfully submits that within the data processing means for receiving, there are components able to receive and sending information, e.g., the interpreter to the management device. Applicant submits, the claims read, in light of the specification, would not be ambiguous to a person of ordinary skill in the art.

Section 2173.02 of the Manual of Patent Examining Procedure (MPEP) states:

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379...The requirement to ‘distinctly’ claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite. See *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004). (Emphasis added)

Here, one skilled in the art would have recognized that “said interpreter...is [able] to simulate the sending of primary data representing said state information...” Therefore, claims 10 and 24 clearly discern the mete and bounds of the invention and that one skilled in the art would not find these claims indefinite applying the correct principles announced by the Court in *Metabolite Labs* cited above.

Regarding claims 14 and 29, these claims are amended to overcome the rejection.

In view of the above argument and the amendments, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 112, second paragraph rejection.

Rejection under 35 U.S.C. § 103

Claims 1, 2, 5-9, 13-16, 19-23 and 27-29 are rejected under 103 (a) as being unpatentable over Spencer (U.S. Patent No 6,253,243; hereinafter “Spencer”) in view of Coley et al. (U.S. Patent No. 5,751,914; “Coley”). Applicant respectfully traverses this rejection.

Claim 1 recites:

A data processing device comprising processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format, wherein **said processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts** associated with a **plurality of different primary event formats**, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device. (Emphasis added).

On the other hand, Spencer relates to a system of matching traps, i.e., SNMP to CMIP. The system of Spencer is based on mapping, a one-to-one correlation tool. See col. 16, lines 63-65. This type of solution is discussed in Applicant’s specification at page 2. Generally, this type of solution is slow, which one of the problems that the present invention sought to obviate. Spencer does not teach the use of script as required by the claim 1. Further, since Spencer does not teaches the use of scripts, it follows that Spencer also does not teach an interpreter. Applicant respectfully asserts that an

interpreter is not needed in Spence because the system is based on program codes.

Therefore, claim 1 could not be rendered obvious.

Moreover, the Examiner recognizes and correctly concedes that “Spencer does not disclose the plurality of conversion rules associated with a plurality of different event format. Rather, the conversion is one-to-one occurring from SNMP to CMIP.” However, the Examiner maintains that “Coley discloses conversion rules associated with a plurality of different event formats”, citing in support col. 8, lines 26-39. The Examiner further asserts “because both Spencer and Coley teach method of converting event (such as SNMP traps) to a secondary format, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats into a common format.” Applicant respectfully disagrees with the Examiner’s position.

Coley relates to a similar correlation system as in Spencer, except in Coley the system is able to correlate multiple events (SNMP, CMIP, CMIS events or RPC communications. The system, using a converter, converts each detected events into a standard internal event object format, which is pass to rule processor. See col. 4, lines 31-35, and col. 8, lines 13-41. Coley teaches implementing based on program codes. See col. 4, lines 40-44. A rule network is provided which includes a number of objects arranged in a tree structure. Coley further provides a display device and a graphical pointing device to enable the construction of rules network by the user. See col. 2, lines

24-30. Similar to Spencer, Coley teaches a correlation system based on program code. Like in Spencer, there is not need for an interpreter since the system does not use scripts as required by claim 1.

The Examiner will appreciated that the use of scripts is advantageous in many aspects over the systems of Spencer and Coley taken alone or in combination. For instance, it is possible to take full advantage of the information contained in the primary data which constitute the notifications received. In this way, the interpreter in addition to be able to generate an alarm representing an event, it can also accompany this alarm with parameters able to facilitate the processing at the manager (for example, this feature is claimed in claim 9). Further, the use script reduces development cost, since modification to the system does not require intensive programming. Also, the scripts allow for great flexibility and a high processing speed (several tens of notification (or traps) per second) and allow rapid adaptation to all types of primary format. These features cannot be achieved by the systems of Spencer taken alone or in combination.

For at least these reasons, Applicant submits that claim 1 is patentable over Spencer and Coley, alone or in combination. Accordingly, Applicant respectfully requests the withdrawal of this rejection and earnestly solicits the allowance of claim 1.

Independent claims 14, 15, 28 recite features similar to those discussed above with regards to claim 1. These claims are therefore patentable for analogous reasons as set forth above.

Claims 2 and 16 are patentable at least by virtue of their dependency on claims 1 and 14, respectively. In addition, neither Spencer or Coley teaches an interpreter to make conversion into a secondary configuration file format by means of an interpreted language. Spencer teaches using C++ which is compiled language. Therefore, claims 2 and 16 are not rendered obvious as purported by the Examiner.

Claims 5 and 19 are patentable at least by virtue of their dependency on claims 1 and 14, respectively.

Claims 6 and 20 are patentable at least by virtue of their dependency on claims 1 and 14, respectively. In addition, Spencer does not disclose the use of a script. Therefore, the reference also does not teach defining a default script intended for the primary data associated with an unknown event identifier. Applicant respectfully requests the withdrawal of this rejection.

Claims 7, 8, 21, and 22 are patentable at least by virtue of their respective dependencies on claims 1 and 14. In addition, Applicant respectfully submits that Spencer does not teach an interpreter as required by the claims. The sections cited by the Examiner related to a mapping scheme, not an interpreter. Therefore, Applicant submits

that the claims are not rendered obvious by Spencer. Accordingly, Applicant requests the withdrawal of this rejection.

Claims 9, 13, 23, 27, 28, and 29 are patentable at least by virtue of their respective dependencies on claim 1, 14, and 28.

Claims 3, 4, 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Coley in further view of “what was well known and expected in the art at the time of the invention.” Applicant respectfully traverses this rejection.

The Examiner concedes that “Spencer and Coley do not disclose said interpreted language is selected from a group consisting of JavaScript, Visual Basic, TCL, Perl and Python. Rather, Spencer discloses the use of C++. However, the Examiner asserts that “at the time of the invention, JavaScript, Visual Basic, TCL, Perl and Python were well known and popular alternatives to C++. Applicant respectfully asserts that the neither Spencer or Coley suggested to use of these languages to carry out their invention. Neither of the references mention any alternatives to their respective inventions. The references also do not provide any motivation to use script language. Therefore, the statement of Examiner is conclusory and seems to be result of impermissible hindsight. If the Examiner insists on maintaining this rejection, Applicant respectfully requests that

the Examiner provides citations in the reference suggesting the use of script. Otherwise, Applicant respectfully requests the Examiner to withdraw the rejection.

Claims 10-12, 24-36 and 31-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer and Coley in further view of Stilwell (U.S. Patent No. 5,907,696; hereinafter "Stillwell").

Applicant submits that claims 10-12, 24-26, and 31-34 are patentable at least by virtue of their respective dependencies on claim 1 and 14. In addition, Stilwell does not remedy the deficient teachings of Spencer and Coley as set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/625,721

Q76452

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 10, 2008